IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
GROUP ART UNIT: 2445   EXAMINER: Azizul Choudhury

INVENTOR: Stefaan Valere Albert Coussement
CASE: P4644
SERIAL NO.: 09/757,728
FILED: 01/09/2001
SUBJECT: System for Reporting Client Status Information to Communications-
                 Center Agents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

APPEAL BRIEF

1.0   **Real Party in Interest**

      All inventions in the disclosure in the present case are assigned to or assignable to: Genesys Telecommunications Laboratories, Inc.

2.0   **Related Appeals and Interferences**

      The present Appeal Brief is taken from the decision of the examiner mailed 11/13/2008 under statute 35 U.S.C. 134. The present Appeal Brief follows a Notice of Appeal filed 01/29/2009, and a Notification of Non-Compliant Appeal Brief mailed 07/09/2009. The Notification of Non-Compliant Appeal Brief was issued in response to an Appeal Brief filed 03/16/2009, in which the Brief was filed according to new indicated final rules in the Federal Register published Tues. 06/10/2008; having an effective date for new rules of 12/10/2008. Apparently the new rules have not been "ratified", hence the requirement to re-file the present Appeal Brief in the old format.

      One Appeal Brief was previously filed in this case on 10/31/2005.

3.0   **Status of the Claims**

Following is the status of all claims in the instant case:

1. rejected, independent- appealed in this brief
2. rejected- appealed in this brief; dependent
3. rejected- appealed in this brief; dependent
4. rejected- appealed in this brief; dependent
5. rejected- appealed in this brief; dependent
6. rejected- appealed in this brief; dependent
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19. rejected, independent- appealed in this brief

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27. rejected- appealed in this brief; dependent

28.rejected- appealed in this brief; dependent

29.rejected- appealed in this brief; dependent

30. rejected- appealed in this brief; dependent

31. rejected- appealed in this brief; dependent

33. rejected- appealed in this brief; dependent

4.0   Status of Amendments

No amendments have been filed subsequent to filing a Notice of Appeal

5.0   Summary of the Claimed Subject Matter

Following is a concise explanation of the subject matter defined in each of the two

standing independent claims including their dependent claims.

5.1 Independent apparatus claim 1

1. (rejected) In a network including a communication center { P.14, lines 8-13}and a

plurality of clients using communication devices {P. 38, lines 3-4; Fig. 1, 52, 21}, a system enabling agents of the communication center to best communicate with the clients and client devices, including configuring call-back options and preferences {P. 40, lines 19-21; P. 41, lines 16-24; Fig. 5; clients 1, 2; devices 125, 129, 133, 137}, the system comprising; :

      customer presence software executing at each client device for monitoring client and client device status {P. 38, lines 4-20; Fig. 5, 131, 195, 139, 127, 135}; and

      a communication-center presence software executing in the communication center for receiving information from the customer presence software {P. 38, lines 12-20; Fig. 5, 119};

      characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/off-line status of the client and client device {Pg. 38, lines 21-28}, and the client's callback preferences including medium preferences and client device preferences {P. 41, lines 9-24}, communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center {P. 40, line 19 to P. 41, line 15}.

      In summary, the claimed system of independent claim 1 provides a system which improves on effective communication between the communication center and a client of the communication center by providing an instance of customer presence software monitoring real-time client and client device status at each client device including on-line/off-line status of the client and client device, and the client's callback preferences including medium preferences and client device preferences, communicating the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center in order to establish timely and effective communication with the clients.

5.2 dependent claims 2-6 and 8-18

Claims 2-6 further provide that the network is a data-packet-network and the data-packet-network is the Internet network; the communication center markets products and or service to the clients; the agents are human resources employed by the communication center and/or the agents are automated systems implemented in hardware and software at the communications center.

Claims 8-18 provide additional limitations wherein an alert is propagated to clients; the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with high probability of success; optional callback or alert mediums include cellular, IP, and wired communications mediums; the optional callback or alert devices include cellular telephones, pagers, telephones, computer stations, handheld computers, and laptop computers; the client-status information provided to an agent automatically updates periodically; the client-status information is continually streamed to the subscribing agent-user during a session with a client; the transfer of client-status information is by instant messaging technology; the customer presence software executing at the client devices for monitoring client and device status is provided by a host of the communication center, and the communication-center presence software executing in the communication center communicates directly with the customer presence software executing at the client device; one or more instances of customer presence service software are provided by a third-party presence service provider, and further comprising a presence service server operating in the network and communicating with both the instances of the presence service software and the communication center presence software executing at the communication center; the network is one or a combination of the Internet network, a wireless cellular telephone network, or a public service telephone network; one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party

presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client.

5.3 independent method claim 19

19. (rejected) A method for enabling agent-users of a communication center connected to a network to obtain real-time client-presence status information related to clients of the information-source facility comprising the steps of {**P. 40, lines 19-21; P. 41, lines 16-24**}:

(a) executing presence software at client devices used by the clients{**P. 38, lines 4-20; Fig. 5, 131, 195, 139, 127, 135**};

(b) communicating client-status information by the presence software, including on-line/off-line status of the client and client device{**Pg. 38, lines 21-28**}, and the client's callback preferences including medium preferences and client device preferences to a communication center presence software executing in the communication center{**P. 41, lines 9-24; Fig. 5, 119**}; and

(c) integrating the client-status information or a portion thereof and serving the result to subscribing agent workstations in the communication center {**P. 40, line 19 to P. 41, line 15**}.

Method claim 19 comprises steps for achieving the intended results of the system provided in claim 1, including enabling agent-users of a communication center connected to a network to obtain real-time client-presence status information by executing presence software at client devices used by the clients communicating client-status information by the presence software, including on-line/off-line status of the client and client device and the client's callback preferences including medium preferences and client device preferences to a communication center presence software executing in the communication center integrating the client-status information or a portion thereof and

serving the result to subscribing agent workstations in the communication center.

5.4 dependent claims 20-31 and 33

Dependent claims 20-31 and 33 further provide steps for providing that the network is a data-packet-network and the data-packet-network is the Internet network; the communication center markets products and or services to the clients; the presence software executing at a client device is provided by a third-party service provider, and client status information is communicated through a third party server to the communication center presence software; the presence software executing at a client device is provided by the host of the communication center, and the communication center presence software communicates directly with the client presence software; the communication center presence software operates in a call-waiting queue of the communication center; the client-status information is communicated in the form of instant messages containing the information; the client-status information is communicated through an electronic information page; in step (b), on-line/off-line status information is communicated in the form of instant messages containing the information, and callback preference information is communicated through an electronic information page; further comprising a step for alerting clients as to an estimated time of response from agent in a callback situation; further comprising a step for alerting clients as to status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, enabling the client to plan or to initiate a call with high probability of success; the alert is of the form of one of a page to a paging device, an instant message, an e-mail, or a telephone beep; in step (c), the client-status information automatically updates periodically during a client session.

6.   Grounds of Rejection to be Reviewed on Appeal

Claims 1-6, 8-31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamb et al (US Pat No: 6,747,970), hereafter referred to as Lamb.

7. **Argument**

      Following is a presentation of arguments against the rejection put forth by the Examiner.

7.1 35 U.S.C. 102 against claim 1

      The previous Appeal Brief was filed in this case on 10/31/2005, wherein appellant successfully removed the art of Miesbauer (U.S. 006760767B1). The art of Beck (US 006332154B2) was then presented by this Examiner in an Office Action mailed 02/8/2006. This reference was presented and argued by appellant in several rounds of prosecution ending with the removal of Beck as commonly owned with the present application and not published 1 year prior to the filing of the present application. The independent claims were not amended. In the Office action mailed 03/07/2008 the new art of Lamb was presented by this Examiner to reject appellant's claims under 102(e). Appellant responded with arguments against Lamb in a response filed 08/05/2008. No amendments were made to the independent claims. The Examiner responded with the Office Action mailed 11/13/2008, made final, continuing to rely on the reference of Lamb, the subject of the present Appeal.

The Examiner states in the Office Action mailed 11/13/2008; page 2, item 1, Lamb teaches:

> *customer presence software executing at each client device for monitoring client and client device status (Equivalent to user agent; see column 12, lines 25-27 and column 33, lines 7-42, Lamb);*

Appellant's response

      The Examiner errs when equating the user agent of Lamb to customer presence software executing at each client device for monitoring client and client device status, as claimed in appellant's invention. Appellant disagrees that Lamb teaches or suggests monitoring status of a client or a client device, as claimed.

Appellant presents the portion of Lamb column 12, lines 25-27 and col. 33, lines 7-42 below, relied upon by the Examiner to teach said limitation:

A user of the system may send the call application message, for example, from a user agent interface (a client or user client interface).

If, for example, another user having an associated user agent 301-1 attempts to establish a call connection with a user telephony device that also has an associated user agent 301-2 within the telecommunications hosting server 203 (e.g., a user is calling another user who is also registered and has a user agent 301 with the telecommunications hosting server 203), the first user agent 301 can communicate using one or more inter-agent messages 235 to determine the status of the destination user telephony device before an actual call is placed. Inter-agent messages 235 are implemented, for example, using inter-process communication (IPC) mechanisms within the telecommunications hosting server 203. In other words, the user agents 301 can track status information of various users through queries to other user agents and via queries for call connection or telephony device status information from the telecommunications network server 202-1. Such capability allows one user agent 301-1 to determine the calling status of another user associated with another user agent 301-2 through 301-N. Calling status can include a current status of the user at that time (e.g., on the phone, not taking calls, available), as well as a future planned calling status which may indicate, for example, an upcoming conference call during which the user will be unable to accept other calls. In other words, if a user "programs" his or her agent 301 to set aside a time in which he or she is not to be disturbed, any incoming calls for that user will be rejected. Such call status inquiries might be from another user agent, or they may be from a true incoming call that is handled by the public phone switch 202-2 in which case the telecommunications network server 202-1 can detect the arrival of such calls, and can send such call arrival information via a call signaling message 230 to the user agent 301, which can reject the call. Inter-agent communications in this manner and as will be

explained further allows the system of the invention to provide an impressive
array of advanced calling services that have never before been available in
conventional telecommunications systems.

Appellant fails to see where in the above teaching of Lamb is provided a customer presence software executing at each client device for monitoring client <u>and</u> client device status. Appellant argues that the user agent taught in Lamb is software executing at the telecommunications server, or in some instances at the client's computer. As clearly evidenced in the latter portion of Lamb relied upon by the Examiner Lamb teaches that *"the first user agent 301 can communicate using one or more inter-agent messages 235 to determine the status of the destination user telephony device before an actual call is placed."* Appellant argues this is an example of polling a 2nd device by a first device. This teaching cannot read on customer presence software executing at each client device for monitoring client and client device status, as claimed. Appellant argues that the software of Lamb does not "monitor" any communication devices, as claimed. The agent software is only capable of detecting whether there is a connection between the computer and a telephone on the public telephone network by pinging the connection (after call set up) on the public telephone side of the server. Therefore, there is no actual monitoring of a device by software at the device in Lamb, as claimed. Appellant also points out that the Examiner has neglected to show in the art where client status is monitored, as claimed. (col. 14, lines 16-33; Fig. 6)

Appellant first presented this argument in the Response filed 8/5/2008 on pages 8-9. The Examiner responds to appellant's argument in the Office Action mailed 11/13/2008 stating:

The first argument addressed by the appellant concerns the claim 1 limitation of
"customer presence software executing within each client". The appellant
contends that Lamb's user agent is not equivalent to the claimed customer
presence software, the examiner disagrees. Lamb teaches user agents (within the
clients) (see column 12, lines 25-27, Lamb) which are deemed equivalent to the

claimed customer presence software executing within each client. Appellant contends that he fail to see where Lamb teaches a customer presence software executing at each client device for monitoring client and client device status. However such teachings are indeed present within Lamb within at least column 14, lines 7-37 and column 33, lines 7-42. Within those sections, it is clearly explained how the user agent is able to monitor the client status. For instance, the user agent is able to monitor if the client is busy or not busy, the calling status, and if there are future planned calls (this is equivalent to the claimed monitoring client status).

Appellant argues that the above response by the Examiner failed to provide additional evidence or reasoning to strengthen his position. Appellant argues that the Examiner errs when stating that the user agent as taught in the art of Lamb actually "monitors" as claimed and taught in appellant's specification. Lamb clearly executes one device to poll another. These two teachings are not the same and it is a mistake for the Examiner to attempt to present it as the same teaching.

The Examiner states in the Office Action mailed 11/13/2008; page 3, Lamb teaches:

a communication-center presence software executing in the communication center for receiving information from the customer presence software (Equivalent to telecommunications software and the telecommunications hosting serve6 see column 11, lines 15-36, Lamb);

Appellant's response

Appellant reproduces the portion of Lamb below:

"Generally, the invention includes mechanisms and techniques to allow users of computer systems and software configured according to the invention to interact with telecommunications software that executes or otherwise performs on a processor in a telecommunications hosting server. A preferred embodiment of a telecommunications

hosting server is a workstation or other computer platform within a connectionless
network such as the Internet and that is configured as a server. Such a computer platform
may, for example, be a Unix or Windows NT workstation that can perform multi-
processing. Via an application of the invention performing on the telecommunications
hosting server, users can use calling services implemented in the application to establish
calls on a conventional public switched telephone network. To do so, another connection
from the telecommunications hosting server to another computer platform called a
telecommunications network server is also provided in embodiments of the invention. The
connection between the telecommunications network server and the telecommunications
hosting server may be a connectionless network connection or may be a dedicated
channel, bus, circuitry or other data transport mechanism."

Appellant argues that the Examiner errs when stating Lamb teaches a
communication-center presence software executing in the communication center for
receiving information from the customer presence software, because the Examiner has
clearly misinterpreted the reference of Lamb.

Appellant disagrees that a telecommunications hosting server, as described in the
art of Lamb, can read upon appellant's claimed communications-center presence
software. The mere presence of a server in the art of Lamb, as presented in Lamb's
teaching, above, cannot read on a second instance of appellant's claimed software.

Appellant points out that Lamb specifically teaches that the only software dealing
with any sort of "presence" of a client or client device is the user agent operating on the
user's computer or at the hosting server. Lamb fails to teach any presence software at the
telephony network server, mentioned above. Appellant specifically claims two separate
software instances operating in two separate locations. Appellant believes the single
instance of Lamb's user agent cannot read on the software claimed in appellant's
invention. Appellant first made this argument in the Response filed 08/05/2008, page 9,
second paragraph. The Examiner responded to said argument in the Office Action mailed
11/13/2008 as follows:

The second argument addressed by the applicant concerns the claim 1 limitation of "communication-center presence software executing in the communication center for receiving information from the customer presence software". The applicant again contends that he fails to see such a claim limitation, the examiner again disagrees. Lamb teaches telecommunications software (equivalent to the claimed communication center presence software) executing on the telecommunications hosting server (equivalent to the claimed communication center); see column 11, lines 15-36, Lamb. This telecommunications hosting server communicates with the client's user agent; see column 14, lines 15-16, Lamb.

Appellant argues that the Examiner errs when equating the existence of operating software at a telecommunications server and the specific user agent software disclosed in the art of Lamb as two instances of the same software, as claimed in appellant's invention. There is no support in the art of Lamb for the statement. In column 14, lines 15-16 Lamb clearly teaches that the server accepts signaling messages and routes them to user agents.

The Examiner states in the Office Action mailed 11/13/2008; page 3, Lamb teaches:

characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client (see column 14, lines 7-37, Lamb) and client devices and the client's callback preferences including medium preferences and client device preferences (see column 14, lines 25-37, Lamb), communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (see column 14, lines 25- 46, Lamb)

Appellant's response

Appellant as effectively established in the above arguments that the Examiner has failed to properly interpret the reference of Lamb as applied to reject applicant's independent claims. Appellant argues that Lamb fails to teach presence software at each device characterized in that the customer presence software monitors real-time client and client device status at each client device. Appellant has clearly shown that Lamb implements a 1st device to poll a 2nd device to determine if the device is on hook or off hook before placing a call.

Appellant reproduces the portion column 14, lines 7-10 of Lamb below:

"According to another arrangement, the system can operate to include the steps of receiving a call signaling message from the connection-based network indicating a status of a connection on the connection based network and forwarding the call signaling message received from the connection- based network to an appropriate user agent."

As previously argued, receiving a signaling message from a connection-based network indicating a status of a connection cannot possibly read on appellant's claim limitation of, "monitors real-time client and client device status at each client device including on-line/offline status of the client". The Examiner has failed to show this limitation in the art.

The Examiner states Lamb teaches, "and client devices and the client's callback preferences including medium preferences and client device preferences (*see column 14, lines 25-37, Lamb*)," Appellant disagrees and reproduces said portion of Lamb below:

"If the example a user agent "knows" that a line is busy, another request for a connection to that line (e.g., another user that may be attempting to call the busy line) can be directed to an alternative destination, such as voice mail, or to another non-busy line, of the user agent can provide a call signaling message in return that contains, for example, an audio message that the telecommunications network server can play back to the original caller attempting to connect to the

user. The audio message can be a custom message based, for example, on the identity (as specified in the original received call signaling message) of the caller. Other example of audio feedback can be custom dial tones, custom ringing, and so forth."

As argued above, the only way the user agent "knows" that a line is busy is because it received a signaling message from a connection based network, this teaching does not constitute "monitoring" as claimed in appellant's invention and known in the English language. Further, Lamb makes absolutely no mention of "customer presence software monitors real-time client and client device status at each client device and the client's callback preferences including medium preferences and client device preferences." The Examiner has failed to point out a teaching in the art teaching said limitation.

The Examiner states Lamb teaches, "communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (*see column 14, lines 25- 46, Lamb*). Appellant disagrees and reproduces said teaching of Lamb, below:

To this end, another arrangement of the invention provides that the call signaling message received from the connection-based network by the user agent specifies a status which indicates availability of telephony device on the connection-based network. In response to such a call signaling message, the user agent performs the step of updating availability information related to the user agent to track the status of telephony devices associated with the user assigned to that user agent.

Appellant points out that the above portion reinforces appellant's argument that Lamb fails to teach monitoring, as claimed. Further, there are no live agents resident in the server of Lamb. Therefore, there are no agents of a communication center taught in Lamb. There is no teaching in Lamb of integrating status information and providing the

result to another entity. The Examiner errs in the Examination procedure when effectively ignoring this limitation. Appellant provided the above arguments for the first time in the response filed 08/05/2008. The Examiner responds to said arguments in the Office Action issued 11/13/2008, as follows:

> *The fourth argument presented by the applicant concerns the claim 1 limitation of "client devices and the client's callback preferences including medium preferences and client device preferences". The applicant again contends that he fails to see such a claim limitation, the examiner again disagrees. Lamb teaches at least within column 14, lines 25-46 that the user agent (customer presence software) knows the status of the client (because of monitoring the client) and based on the client also knows the callback preferences. For instance the callback preference can be another non-busy line (equivalent to the claimed medium preferences) and a voicemail system (equivalent to the claimed device preference).*

> *The fifth argument presented by the applicant concerns the claim 1 limitation of "the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center". The applicant again contends that he fails to see such a claim limitation, the examiner again disagrees. Lamb teaches at least within column 14, lines 25-46 how callback preferences such as a non-busy line (equivalent to the claimed medium preferences) and a voicemail system (equivalent to the claimed device preference) are provided to the telecommunications hosting server (with telecommunications software (equivalent to the claimed communication-center presence software); see column 11, lines 15-36, Lamb.) and the telecommunications hosting server (with telecommunications software) informs other user agent (customer presence software).*

Appellant argues that the Examiner errs when producing art which may teach accomplishing part of a similar purpose as the purpose claimed, but actually fails to teach

the limitations of appellant's invention, as claimed. As a broad statement for the record, it appears the examination in this case is following the old path of investing prior art status in inventions that accomplish a similar purpose as the invention in examination, rather than following the principle that it is the actual limitations of the claim that must be found in the art. The Examiner in this case finds similar terms and architecture in the art of Lamb and broadly applies the teachings to read on applicant's claims. The problem with this approach in examination is that the rejections are not *prima facie*, in that they do not teach the actual physical and functional limitations of the claimed apparatus and method. They only teach accomplishing a similar purpose.

The Examiner in this action makes many statements regarding what the art of Lamb teaches; yet the portions of the art relied upon by the Examiner are silent as to said teachings. Therefore, appellant believes the claims, as presented, are easily patentable over the art of Lamb. Appellant also respectfully requests this case pass to issue as this is the second Appeal Brief the appellant has had to file in this case because of erroneous art presented by this Examiner.

7.2   Regarding independent claim 19

Appellant notes that because the Examiner rejects claims 1 and 19 simultaneously in one section relying on the exact same reasoning and evidence, appellant argues for said claims in a like manner. Therefore, the arguments produced above on behalf of claim 1 are applied for claim 19, verbatim

7.3   Regarding dependent claims 2-6, 8-18, 20-31 and 33

Regarding dependant claims 2-6, 8-18, 20-31 and 33, said claims stand or fall together and are patentable on their own merits, or at least as depended from a patentable claim.

Accordingly, appellant respectfully requests that the Board reverse the rejection of the claims and hold the claims allowable.

8.Claims Appendix

The claims involved in the appeal are:

1. (Rejected) In a network including a communication center and a plurality of clients using communication devices, a system enabling agents of the communication center to best communicate with the clients and client devices, including configuring call-back options and preferences, the system comprising:

     customer presence software executing at each client device for monitoring client and client device status; and

     a communication-center presence software executing in the communication center for receiving information from the customer presence software;

     characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/off-line status of the client and client device, and the client's callback preferences including medium preferences and client device preferences, communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center.

2. (Rejected) The system of claim 1, wherein the network is a data-packet-network.

3. (Rejected) The system of claim 2, wherein the data-packet-network is the Internet network.

4. (Rejected) The system of claim 3, wherein the communication center markets products and or service to the clients.

5. (Rejected) The system of claim 4, wherein the agents are human resources employed by the communication center.

6. (Rejected) The system of claim 4, wherein the agents are automated systems implemented in hardware and software at the communications center.

7. (Canceled)

8. (Rejected) The system of claim 1, wherein an alert is propagated to clients.

9. (Rejected) The system of claim 8, wherein the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with high probability of success.

10. (Rejected) The system of claim 8, wherein optional callback or alert mediums include cellular, IP, and wired communications mediums.

11. (Rejected) The system of claim 10, wherein the optional callback or alert devices include cellular telephones, pagers, telephones, computer stations, handheld computers, and laptop computers.

12. (Rejected) The system of claim 1, wherein the client-status information provided to an agent automatically updates periodically.

13. (Rejected) The system of claim 1, wherein the client-status information is continually streamed to the subscribing agent-user during a session with a client.

14. (Rejected) The system of claim 1, wherein the transfer of client-status information is by instant messaging technology.

15. (Rejected) The system of claim 1 wherein the customer presence software executing at the client devices for monitoring client and device status is provided by a host of the communication center, and the communication-center presence software executing in the communication center communicates directly with the customer presence software executing at the client device.

16. (Rejected) The system of claim 1 wherein one or more instances of customer presence service software are provided by a third-party presence service provider, and further comprising a presence service server operating in the network and communicating with both the instances of the presence service software and the communication center presence software executing at the communication center.

17. (Rejected) The system of claim 1 wherein the network is one or a combination of the Internet network, a wireless cellular telephone network, or a public service telephone network.

18. (Rejected) The system of claim 1 wherein one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client.

19. (Rejected) A method for enabling agent-users of a communication center connected to a network to obtain real-time client-presence status information related to clients of the information-source facility comprising the steps of:

      (a) executing presence software at client devices used by the clients;

      (b) communicating client-status information by the presence software, including on-line/off-line status of the client and client device, and the client's callback preferences

including medium preferences and client device preferences to a communication center presence software executing in the communication center; and

      (c) integrating the client-status information or a portion thereof and serving the result to subscribing agent workstations in the communication center.

20. (Rejected) The method of claim 19, wherein the method is practiced over a data-packet-network.

21. (Rejected) The method of claim 20, wherein the data-packet-network is the Internet network.

22. (Rejected) The method of claim 19 wherein the communication center markets products and or services to the clients.

23. (Rejected) The method of claim 19 wherein in step (a), the presence software executing at a client device is provided by a third-party service provider, and client status information is communicated through a third party server to the communication center presence software.

24. (Rejected) The method of claim 19 wherein in step (a), the presence software executing at a client device is provided by the host of the communication center, and the communication center presence software communicates directly with the client presence software.

25. (Rejected) The method of claim 19 wherein in step (b), the communication center presence software operates in a call-waiting queue of the communication center.

26. (Rejected) The method of claim 19 wherein in step (b), the client-status information is communicated in the form of instant messages containing the information.

27. (Original) The method of claim 19 wherein in step (b), the client-status information is communicated through an electronic information page.

28. (Original) The method of claim 19 wherein in step (b), on-line/off-line status information is communicated in the form of instant messages containing the information, and callback preference information is communicated through an electronic information page.

29. (Original) The method of claim 19 further comprising a step for alerting clients as to an estimated time of response from agent in a callback situation.

30. (Original) The method of claim 19 further comprising a step for alerting clients as to status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, enabling the client to plan or to initiate a call with high probability of success.

31. (Original) The method of claim 29 wherein the alert is of the form of one of a page to a paging device, an instant message, an e-mail, or a telephone beep.

32. (Canceled)

33. (Original) The method of claim 19 wherein in step (c), the client-status information automatically updates periodically during a client session.

9.   Evidence Appendix

No evidence other than the arguments and facts presented in this brief are provided.

10.   Related Proceedings Appendix

   The present Appeal is the second such Appeal submitted to the Board. An Office
Action was issued in response to said Appeal mailed 02/08/2006.

                                        Respectfully Submitted,
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